



**Meeting of the Board of Adjustments
Held at the Elk River City Hall
Tuesday, July 22, 2025**

Members Present: Chair Perry Beise, Commissioner Eric Johnson, Commissioner Robert Rydberg, Commissioner Dennis Booth, Commissioner Anthony Kaba, Commissioner Dornan Bland

Members Absent: Councilmember Jennifer Wagner, Commissioner James Zahler

Staff Present: Community Development Director Zack Carlton, Senior Planner Chris Leeseberg, and Sr. Administrative Assistant/Recording Secretary Katie Porath

1. CALL MEETING TO ORDER

Pursuant to due call and notice thereof, the meeting was called to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. CONSIDER AGENDA

Moved by Commissioner Johnson and seconded by Commissioner Kaba to approve the agenda. Motion carried 6-0.

4. CONSIDER MINUTES

Moved by Commissioner Johnson and seconded by Commissioner Booth to approve the following consent items as outlined in their respective staff reports. Motion carried 6-0.

4.1 Draft Minutes - June 24, 2025

5. PUBLIC HEARINGS

5.1 Variance: Wetland Setback, Minnesota Municipal Power Agency - PID #75-00102-2000

Mr. Carlton presented the staff report.

Commissioner Rydberg asked about the four conditions and Mr. Carlton outlined them for the Commissioners.

Commissioner Bland asked about any risk of flooding over the road. Mr. Carlton stated the applicant would be able to provide additional details concerning this question.

Chair Beise opened the public hearing.

Sam Meersman, representing MMPA, answered Commissioner Bland's question, stating that swales and culverts would be able to direct water away from the road.

Commissioner Rydberg asked if the water shown on the map was intermittent or standing. Mr. Meersman responded that it was intermittent except for extreme rain events.

Commissioner Rydberg asked if there were any comments from the neighbors, and staff indicated none had been received to date.

Chair Beise closed the public hearing.

Moved by Commissioner Rydberg and seconded by Commissioner Bland to approve the variance request from Minnesota Municipal Power Agency (MMPA) to allow a driveway and associated grading to encroach into the required wetland setbacks up to 1-foot from a delineated wetland, as the following standards have been met:

- 1. The general purpose and intent of the ordinance are met.**
- 2. The property has a land use guidance of Residential, and the proposed utility use is consistent with the Comprehensive Plan.**
- 3. The proposed use is reasonable and is permitted in the zoning ordinance.**
- 4. The plight of the petitioner is due to circumstances unique to the property, not a consequence of the petitioner's own action or inaction.**
- 5. The variance will not alter the essential character of the locality.**

and with the following conditions:

- 1. The City Council must approve the essential services application (SP 25-08).**
- 2. The applicant shall work with staff for an on-site review of the driveway location prior to beginning construction activities.**
- 3. All areas within the 25-foot wetland buffer strip and 20-foot wetland buffer strip setback that are not part of the driveway or side slope shall not be maintained as yard areas (no mowing, planting, or landscaping) and must be left to grow naturally.**
- 4. The wetland delineation must be approved prior to commencement of any construction activities or the issuance of permits. Motion carried 6-0.**

5.2 Variance: Zero-foot Setback - Elk River Landfill/Waste Management - 22460 Highway 169

Mr. Carlton presented the staff report.

Chair Beise opened the public hearing. There being no one to speak to this matter, Chair Beise closed the public hearing.

Commissioner Rydberg asked if Sherburne County or Livonia Township had any input. Mr. Carlton is not aware of any specific concerns from them at this time. Sherburne County will be meeting as the Board of Adjustments to review the application.

Moved by Commissioner Booth and seconded by Commissioner Johnson to approve the Variance request from the Elk River Landfill to allow a 0-foot property line setback, supporting construction of a renewable natural gas processing facility, as the following standards have been met:

- 1. The general purpose and intent of the ordinance are met.**

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- 2. The property has a land use guidance of Industrial and the proposed use is consistent with the Comprehensive Plan.**
 - 3. The proposed use is reasonable and is permitted in the zoning ordinance.**
 - 4. The plight of the petitioner is due to circumstances unique to the property, not a consequence of the petitioner's own action or inaction.**
 - 5. The variance will not alter the essential character of the locality.**

and with the following conditions:

- 1. The City Council must approve the Conditional Use Permit for the renewable natural gas facility (CU 25-08).**
- 2. Sherburne County/Livonia Township must approve all land use applications associated with the proposed use.**
- 3. The applicant shall work with staff for an on-site review of the facility location prior to beginning construction activities. Motion carried 6-0.**

6. MOTION TO ADJOURN REGULAR MEETING

Moved by Commissioner Rydberg and seconded by Commissioner Booth to adjourn the meeting. Motion carried 6-0.

The meeting adjourned at 6:45 p.m.

Minutes prepared by Katie Porath.



Perry Beise, Chair



Tina Allard, City Clerk